

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EDMOND QUINTEZES MOSLEY, #130495

PETITIONER

v.

CIVIL ACTION NO. 3:16cv96-DPJ-RHW

JAQUELINE BANKS, SUPERINTENDENT

RESPONDENT

ORDER

This habeas petition brought pursuant to 28 U.S.C. § 2254 is before the Court on Respondent Jaqueline Banks's Motion to Dismiss [4], Petitioner Edmond Quintezes Mosley's Motion to Order Respondent to File Answer or Other Responsive Pleading [5], and the Report and Recommendation of United States Magistrate Judge Robert H. Walker [8]. Judge Walker recommended that Mosley's petitioner be dismissed as untimely filed or, in the alternative, for failure to exhaust. Mosley sought and was granted an extension of time, through November 21, 2016, to file objections to the Report and Recommendation. *See* Oct. 25, 2016 Text Only Order. To date, Mosley has not filed any objections. The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [8] of United States Magistrate Judge Robert H. Walker be, and the same is hereby, adopted as the finding of this Court. Respondent's Motion to Dismiss [4] is granted; Petitioner's Motion to Order Respondent to File Answer or Other Responsive Pleading [5] is denied as moot; and the Petition is dismissed with prejudice.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure
58.

SO ORDERED AND ADJUDGED this the 30th day of November, 2016.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE